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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,950	02/04/2002	Michael J. Wookey	P7229	4657

32658 7590 11/14/2006
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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/066,950	WOOKEY ET AL.	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 28-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/20/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1> This action is in response to Applicant's amendment, filed 8.25.2006. Claims 1, 28, 29, and 30 are amended. Claim 14 is cancelled. Claims 1-15 and 28-31 are presented for further examination.

2> Applicant was correct that the previous action was a non-final rejection and was erroneously indicated as final. However, this action is a final rejection.

Response to Arguments

I. APPLICANT'S ARGUMENTS HAVE BEEN FULLY CONSIDERED BUT ARE NOT PERSUASIVE.

Applicant argues in substance: (A) Barry fails to teach the amended features of claim 1; (B) Barry fails to teach a midlevel manager; and (C) Barry does not disclose separate segmentation of service modules from a remote services infrastructure. Applicant's arguments are not persuasive for the following reasons.

A. Barry teaches the amended limitations of claim 1.

Applicant amends claim 1 to recite an infrastructure communications portion, the communications portion providing physical network communications and supporting a communications module that includes a queuing module which provides data communications integrity. Applicant argues that Barry does not teach these claimed features.

However, contrary to Applicant's argument, Barry does disclose the claimed features. Barry discloses an infrastructure communications portion that provides physical network communications [Figure 2 | column 3 «line 63» to column 4 «line 2» | column 4 «lines 55-63»].

Barry utilizes a series of server clusters to construct a network to deliver services and messages between the client and the service providers. Additionally, Barry discloses that the communications module includes a queuing module that queues data through the remote services infrastructure [column 32 «lines 45-50»]. Based on the cited sections, the Office submits that Barry discloses the amended limitations of claim 1.

B. Barry teaches a midlevel manager that performs the same functions as claimed.

With respect to claim 29, Applicant argues that Barry does not disclose an intermediate mid-level manager. While the specific terminology is not utilized, Barry discloses an element that has the same functionality of Applicant's claimed mid-level manager. Claim 29 states that the midlevel manager is responsible for providing transaction integrity, redundancy and data queue management.

In the Office's view, Barry's midrange servers are analogous. Barry discloses that the midrange servers are responsible for various data management and transaction functionality [column 9 «line 10» to column 10 «line 13»]. Additionally, the midrange servers provide queue management [column 32 «lines 45-50»]. Barry's queue provides transaction integrity in times when transactions cannot be sent because it queues transactions in order to resend them when a successful send is possible.

C. Barry teaches service modules separately segmented from the infrastructure and from each other.

Barry expressly discloses that "each remote service provided includes its own user interface unit, referred to as a client application, independently implemented of one another and the backplane" (emphasis added) [column 4 «lines 3-5»]. Barry's backplane is analogous

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to Applicant's claimed services infrastructure, as the backplane is responsible for controlling service delivery and providing services data management [column 3 «line 63» to column 4 «line 2»].

Further, Barry expressly discloses that “[a]lthough the client applications are independently developed as separate modules, the interface of the present invention integrates the client applications into one unified system” (emphasis added) [column 4 «lines 5-9»]. Therefore, based on these explicit teachings, Barry discloses services modules that are not only segmented from one another but the services infrastructure as well. This conclusion is further supported by the fact that the service modules are downloaded to the client based on a client's desired services [abstract | Figure 4 «item 82» | column 2 «lines 34-46»]. If, as Applicant argues, Barry's modules are not segmented from the service infrastructure, then the modules would be fixed to the infrastructure. However, Barry discloses that the modules must be separate because they can be downloaded separately to the client.

II. CONCLUSION

For the foregoing reasons, Applicant's arguments are not persuasive and Applicant's amendments do not distinguish the claimed invention over the prior art references.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent,

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except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3> The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action, see non-final rejection filed 4.17.2006. Only those claims that were amended are formally addressed in this action.

4> Claim 1-2 and 6-15 are rejected under 35 U.S.C. 103(a) as being anticipated by Barry et al. (6,615,258).

5> In regards to claim 1, Barry et al. discloses a remote services architecture (fig. 1, col. 6 ll. 55-67, col. 7 ll. 1-12) comprising:

- a remote services infrastructure (16, 18), the infrastructure controlling remote service delivery and providing remote services data management (col. 3 ll. 64-67, col. 4 ll. 1-2; 20-28, col. 7 ll. 5-12), the remote services infrastructure including an infrastructure communications portion, the infrastructure communications portion providing physical network communications [Figure 2 | column 3 «line 63» to column 4 «line 2» : Barry's midrange servers providing network communications to the services infrastructure], the infrastructure communications portion supporting a communications module, the communications module including a queuing module [column 32 «lines 45-50»], the queuing module queuing data sent through the remote services infrastructure to provide data communications integrity [column 32 «lines

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45-50 : where Barry's queuing module insures communications integrity by queuing messages when they cannot be transmitted]; and

- a service module (20,12,10), the service module interacting with the remote services infrastructure to provide a specific service (col. 6 ll. 57-67, col. 7 ll. 35-56),
- the service module being segmented from the remote services infrastructure (fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6> The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action, see non-final rejection filed 4.17.2006. Only those claims that were amended are formally addressed in this action.

7> Claim 3, 4 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al. (6,615,258) in view of Conner et al. (US 6,816,882).

8> As to claim 28, as it does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth in claims 1-4.

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Additionally, Barry discloses that the service modules are separately segmented from each other [column 4 «lines 1-9»].

9> Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al. (6,615,258) in view of Shah et al. (US 6,243,451)).

10> Claims 29-31 are rejected under 35 U.S.C § 103(a) as being unpatentable over Barry.

11> As to claim 29, Barry discloses a remote services architecture comprising:

a remote services infrastructure, the remote services infrastructure controlling remote service delivery and providing remote services data management [abstract – “providing data management services” | column 3 «lines 34-63»], the remote services infrastructure including

a remote services proxy, the remote service proxy providing an application program interface to systems management systems [column 28 «lines 53-65»];

an intermediate mid level manager coupled to the remote services proxy, the intermediate mid level manager providing transaction integrity and data queue management [Figure 2 «item 30» | Figure 10 | Figure 16(b) | column 16 «lines 5-19»]; and

an application server providing persistent storage or remote services infrastructure information [column 4 «lines 44-54»]; and

a plurality of service modules coupled to the application server, the plurality of service modules interacting with the remote services infrastructure to provide a specific service, the plurality of service modules being segmented from the remote services

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infrastructure and from each other [Figure 2 : coupled to the application server through the web server | Figure 7 | column 4 «lines 3-13» | column 6 «line 55» to column 7 «line 4» :].

Barry discloses mid level servers responsible for various data management and transaction functionality [column 9 «line 10» to column 10 «line 13»] but does not expressly disclose providing redundancy. However, redundancy is a well known principle in the art. One of ordinary skill in the art would have motivated to provide redundancy to the system to ensure data integrity. For example, Barry discloses providing redundancy to web servers [column 59 «lines 56-57»].

12> As to claim 30, as it does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claims 2-4.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ternullo et al, U.S Patent Publication No. 2002|0040388;

Hasan et al, U.S Patent Publication No. 2003|0028624;

Russell, U.S Patent Publication No. 2003|0069938.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Tuesday-Friday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC



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